

**Filed 4/5/00 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2000 ND 68

State of North Dakota,

Plaintiff and Appellee

v.

Adam Timothy Sommer,

Defendant and Appellant

No. 990327

Appeal from the District Court of Pembina County, Northeast Judicial District,
the Honorable Laurie A. Fontaine, Judge.

AFFIRMED.

Per Curiam.

Barbara L. Whelan, State's Attorney, 301 Dakota Street West, No. 9, Cavalier,
N.D. 58220, for plaintiff and appellee; submitted on brief.

Robin L. Olson, Olson Law Office, Suite 201, 212 South Fourth Street, Grand
Forks, N.D. 58201, for defendant and appellant.

State v. Sommer

No. 990327

Per Curiam.

[¶1] Adam Timothy Sommer appeals from the criminal judgment of the Northeast Judicial District Court finding him guilty of driving a motor vehicle while under the influence of alcohol. On appeal, Sommer argues the district court should have suppressed evidence because the arresting officer did not articulate a reasonable suspicion that Sommer had violated or was violating the law. Although we are uncertain a stop occurred in this case, the evidence shows the officer had a reasonable and articulable suspicion Sommer was violating or had violated the law. See, e.g., State v. Hawley, 540 N.W.2d 390, 392 (N.D. 1995) (determining it was not necessary to decide whether a Fourth Amendment stop occurred because even if the officer made an investigative stop, he had reasonable grounds to investigate the parked vehicle). We have reviewed the other issue raised and find it is without merit.

[¶2] The criminal judgment is summarily affirmed under N.D.R.App.P. 35.1(a)(2) and (7).

[¶3] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Carol Ronning Kapsner